

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-20035

Honorable: Thomas L. Ludington

v

JORDAN PRESCOTT EVONNE WALTON,



Defendant.

STIPULATED PRELIMINARY ORDER OF FORFEITURE

The United States of America, by and through its attorneys, BARBARA L. McQUADE, United States Attorney for the Eastern District of Michigan, and ANCA POP, Assistant United States Attorney, together with Defendant JORDAN PRESCOTT EVONNE WALTON ("Defendant"), individually and by and through his attorney, DAVID KOELZER, ESQ. hereby submit this Stipulated Preliminary Order of Forfeiture to the Court. This Stipulated Preliminary Order of Forfeiture incorporates the following:

1. The United States of America (the "United States") filed an Indictment on or around January 13, 2016, which charged Defendant with Count One, Possession of Child Pornography Involving a Prepubescent Minor or a Minor Who Had Not Attained 12 Years of Age pursuant to 18 U.S.C. § 2252A(a)(5)(B) and (b)(2).

2. The Indictment also contained Criminal Forfeiture Allegations pursuant to Federal Rule of Criminal Procedure 32.2(e), putting the Defendant on notice of its intent to forfeit all property that facilitated, was involved in, or traceable to any violations set forth in the Indictment, including the following property:

- Dell Desktop Computer, Serial Number: CW4SKN1;
- 1TB Western Digital External Hard Drive, Serial Number: WXM1EADNVA82; and
- 320 GB Seagate External Hard Drive, Serial Number: 2GH17SRQ.

3. On or about June 14, 2016, Defendant pleaded guilty to Count One of the Indictment, which charged Defendant with Possession of Child Pornography Involving a Prepubescent Minor or a Minor Who Had Not Attained 12 Years of Age pursuant to 18 U.S.C. § 2252A(a)(5)(B) and (b)(2). In the Rule 11 Plea Agreement, Defendant also agreed to forfeit to the United States the following property (hereinafter "Subject Property"):

- Dell Desktop Computer, Serial Number: CW4SKN1;
- 1TB Western Digital External Hard Drive, Serial Number: WXM1EADNVA82; and
- 320 GB Seagate External Hard Drive, Serial Number: 2GH17SRQ.

4. In entering into this Stipulation with respect to forfeiture, Defendant expressly waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, pronouncement of forfeiture at sentencing and incorporation of forfeiture in the judgment and agrees to immediate entry of this Stipulated Preliminary Order of Forfeiture and that this Order shall become final as to Defendant at entry. Defendant also expressly waives his right, if any, to have a jury determine the forfeitability of his interest in the Subject Property.

5. In entering into this Stipulation with respect to forfeiture, Defendant acknowledges that he understands that forfeiture of the Subject Property is part of the sentence that will be imposed on him in this case and waives his right to challenge any failure by the Court to advise him of this at the time that his guilty plea is accepted pursuant to Federal Rules of Criminal Procedure 11(b)(1)(J).

6. In entering into this Stipulation with respect to forfeiture, Defendant knowingly, voluntarily, and intelligently waives any challenge to forfeiture of the Subject Property based upon the Excessive Fines Clause of the Eighth Amendment to the United States Constitution.

7. In entering into this Stipulation with respect to forfeiture, Defendant specifically acknowledges that the Subject Property was involved in, used for, or intended to be used to commit, or to promote the offenses as charged within the

Indictment, and is therefore subject to forfeiture to the United States pursuant to 18 U.S.C. § 2253.

NOW THEREFORE, based upon the Indictment, Defendant's conviction, the Rule 11 Plea Agreement, this Stipulation, and other information in the record, and pursuant to 18 U.S.C. § 2253, IT IS HEREBY ORDERED that the Subject Property IS FORFEITED to the United States for disposition according to law, and any right, title or interest of Defendant, and any right, title or interest that his heirs, successors or assigns have, or may have, in any of the Subject Property is HEREBY AND FOREVER EXTINGUISHED.

IT IS FURTHER ORDERED THAT upon entry of this Stipulated Preliminary Order of Forfeiture and pursuant to 21 U.S.C. § 853(n), Rule 32.2 of the Federal Rules of Criminal Procedure, and other applicable rules, the United States shall publish on www.forfeiture.gov, notice of this Stipulated Preliminary Order of Forfeiture and of its intent to dispose of the Subject Property. The United States may also, to the extent practicable, provide direct written notice to any person or entity known to have an alleged interest in any of the Subject Property. The aforementioned notice shall direct that any person, other than the Defendant, asserting a legal interest in any of the Subject Property must file a petition with the Court within sixty (60) days of the first date of publication of notice or within thirty (30) days of receipt of actual notice, whichever is earlier. The petition shall

be for a hearing before the Court alone, without a jury and in accordance with 21 U.S.C. § 853(n), to adjudicate the validity of the petitioner's alleged interest in any identified Subject Property. Any petition filed by a third party asserting an interest in any of the Subject Property must be signed by the petitioner under penalty of perjury and must set forth the nature and extent of the petitioner's alleged right, title or interest in any identified Subject Property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in any identified Subject Property, and any additional facts supporting the petitioner's claim, and the relief sought.

IT IS FURTHER ORDERED THAT, after the disposition of any motion filed under Federal Rule of Criminal Procedure 32.2(c)(1)(A) and before a hearing on any ancillary petition, the United States may conduct discovery in accordance with the Federal Rules of Civil Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

IT IS FURTHER ORDERED THAT, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), this Stipulated Preliminary Order of Forfeiture shall become final as to Defendant at the time of entry and forfeiture of the Subject Property and entry of the forfeiture money judgment shall be made part of the Defendant's sentence in this case and included in the Judgment. If no third party files a timely petition before the expiration of the period provided in 21 U.S.C.

§ 853(n)(2), then this Stipulated Preliminary Order of Forfeiture shall become the Final Order of Forfeiture, as provided by Federal Rule of Criminal Procedure 32.2(c)(2). If a third party files a petition for ancillary hearing for any of the Subject Property, the Court shall enter an Amended Order of Forfeiture and/or a Final Order of Forfeiture that addresses the disposition of any third party petitions.

IT IS FURTHER ORDERED THAT after this Stipulated Preliminary Order of Forfeiture becomes the Final Order of Forfeiture and/or after the Court enters a Final Order of Forfeiture that addresses the disposition of any third party petitions, the United States shall have clear title to the Subject Property and shall be authorized to dispose of the Subject Property in such manner as the Attorney General may direct.

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IT IS FURTHER ORDERED THAT, the Court retains jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).


Agreed as to form and substance:

BARBARA L. McQUADE
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Dated: June 14, 2016



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Dated: June 14, 2016

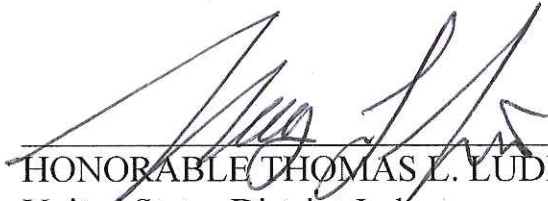


JORDAN PRESCOTT EVONNE WALTON,
Defendant

Dated: June 14, 2016

IT IS SO ORDERED.

Dated: June 15, 2016



HONORABLE THOMAS L. LUDINGTON
United States District Judge